

Message Text

CONFIDENTIAL

PAGE 01 STATE 214458

60

ORIGIN SS-25

INFO OCT-01 ISO-00 SSO-00 /026 R

DRAFTED BY D/LOS:WNEWLIN:HHB

APPROVED BY S - THE SECRETARY

S : D. PASSAGE

S/S: R. PERITO

D/LOS - AMB. BREWSTER

EUR/WE - MR. BIEGEL

S/P - MR. LORD

DESIRED DISTRIBUTION

S, S/S, S/P, D/LOS, L, OES, EB, INR, EUR

----- 034128

O 291224Z AUG 76 ZFF4

FM SECSTATE WASHDC

TO AMEMBASSY PARIS IMMEDIATE

C O N F I D E N T I A L STATE 214458

EXDIS FOR CHARGE

E.O. 11652:GDS

TAGS: PLOS

SUBJECT:LOS: MESSAGE FROM THE SECRETARY TO FOREIGN
MINISTER

1. PLEASE DELIVER AT THE EARLIEST POSSIBLE MOMENT MESSAGE
BELOW FROM ME TO THE FOREIGN MINISTER. ADVISE WHEN
DELIVERED. IT SHOULD BE DELIVERED AFTER DELIVERY OF MY
CONGRATULATORY MESSAGE.

2. DEPARTMENT DOES NOT PLAN TO RELEASE TEXT AND WOULD
PREFER THAT IT NOT BE RELEASED BY THE RECIPIENT. IF
RELEASE BECOMES AN ISSUE PLEASE REPORT TO THE DEPARTMENT
BY IMMEDIATE CABLE.

3. BEGIN TEXT: DEAR MR. MINISTER:
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 214458

IN MY MESSAGE TO YOUR PREDECESSOR OF AUGUST 3 ON THE IMPORTANCE OF THE LAW OF THE SEA NEGOTIATIONS, I INDICATED THAT I WOULD BE GIVING THESE ISSUES MY IMMEDIATE AND URGENT ATTENTION AND THAT I WOULD BE HEADING THE US DELEGATION TO THIS SESSION. I ALSO NOTED, AS EVENTS UNFOLD, I WOULD BE IN TOUCH WITH YOUR GOVERNMENT ABOUT ADDITIONAL IDEAS ON HOW WE MIGHT FURTHER THESE NEGOTIATIONS.

I HAVE RECENTLY VISITED THE NEW YORK SESSION TO OBTAIN A FIRST-HAND ASSESSMENT. I MADE CONTACT WITH THE CONFERENCE LEADERSHIP AND OBTAINED THEIR VIEWS ON THE OUTSTANDING ISSUES AT THIS VERY CRUCIAL SESSION. I ALSO MET WITH A FEW DELEGATIONS TO OBTAIN THEIR PERSONAL ASSESSMENT OF WHERE THE NEGOTIATIONS STAND.

AS YOU KNOW, THE UNITED STATES HAS SET FORTH MAJOR INITIATIVES WITH RESPECT TO THE OUTSTANDING ISSUES IN AN EFFORT TO ACHIEVE A CONSENSUS. WE ARE PREPARED TO WORK TOWARDS A FINAL ACCEPTABLE OVERALL PACKAGE AT THIS SESSION. THIS SETTLEMENT MUST, HOWEVER, FULLY PROTECT THE VITAL INTERESTS OF THE CONCERNED COUNTRIES AND PROVIDE FOR AN EQUITABLE OCEANS REGIME WHICH HAS THE HOPE OF BRINGING ORDER TO THIS VAST AND COMPLEX AREA.

THERE IS ALREADY AN EMERGING CONSENSUS ON A NUMBER OF VITAL ISSUES SUCH AS TRANSIT THROUGH STRAITS, A 12-MILE TERRITORIAL SEA, AND COASTAL STATE RIGHTS OVER RESOURCES IN THE ECONOMIC ZONE. THERE ARE ALSO A NUMBER OF OUTSTANDING QUESTIONS WHICH MAY REQUIRE OUR ATTENTION.

I BELIEVE THAT A SATISFACTORY LAW OF THE SEA CONVENTION CAN BE REACHED BASED ON THE FOLLOWING BASIC PRINCIPLES DEALING WITH THE STILL UNRESOLVED ISSUES OF THIS SESSION:

(A) THAT THE COMMON HERITAGE OF MANKIND CONCEPT MEANS ACCESS BY ALL COUNTRIES TO DEEP SEABED MINERALS UNDER FAIR CONDITIONS. WE BELIEVE THAT THERE SHOULD BE A DUAL SYSTEM OF EXPLOITATION, PROVIDING FOR NATIONAL OR PRIVATE EXPLOITATION ALONG WITH DIRECT EXPLOITATION BY THE "ENTER-CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 214458

PRISE" REPRESENTING THE AUTHORITY. IN ADDITION, REVENUE SHARING FROM ALL MINING SHOULD GO TO THE INTERNATIONAL COMMUNITY.

(B) THAT A 200-MILE ECONOMIC ZONE BE ESTABLISHED WHICH IS BALANCED BETWEEN ECONOMIC RIGHTS AND RESPONSIBILITIES IN THE ZONE ON THE PART OF COASTAL STATES WHILE MAINTAINING THOSE HIGH SEAS RIGHTS OF THE INTERNATIONAL

COMMUNITY WHICH SERVE THE NEEDS OF ALL NATIONS. A DEFINITION OF THE CONTINENTAL MARGIN BEYOND 200 MILES AND A FORMULA FOR REVENUE-SHARING BY THE COASTAL STATE IN THIS AREA MUST ALSO BE FORMULATED TO PROTECT THE INTERESTS OF THE INTERNATIONAL COMMUNITY.

(C) THAT THE RIGHT TO CONDUCT SCIENTIFIC RESEARCH IS PRESERVED, SUBJECT TO CERTAIN SPECIFIC RIGHTS AND OBLIGATIONS OF THE COASTAL STATES IN THE ECONOMIC ZONE. SCIENTIFIC RESEARCH DIRECTLY RELATED TO EXPLORATION AND EXPLOI-

TATION FOR RESOURCES WITHIN THE ZONE OR INVOLVING DRILLING ON THE CONTINENTAL SHELF WOULD BE SUBJECT TO A CONSENT REGIME. FURTHER, WE BELIEVE THAT THERE SHOULD BE MARINE POLLUTION PROVISIONS PROTECTING THE OCEAN'S ECOLOGY FROM SERIOUS HARM.

(D) FINALLY, THAT THERE BE A SYSTEM OF EFFECTIVE COMPULSORY DISPUTE SETTLEMENT FOR THE ENTIRE TREATY, INCLUDING THE ECONOMIC ZONE.

WITHIN THE CONTEXT OF THESE PRINCIPLES THE UNITED STATES IS PREPARED TO BE FLEXIBLE ON HOW TO ACHIEVE THESE GOALS.

THE NEGOTIATIONS ARE NOW IN A CRUCIAL STAGE FROM WHICH THE CONFERENCE CAN GO FORWARD BASED ON REASONABLE ACCOMMODATION OF INTERESTS OR COLLAPSE AND LEAD TO CONFRONTATION AND STALEMATE. WHILE SOME SIGNS OF MODERATION AND SERIOUS QUIET NEGOTIATIONS ARE APPEARING, THERE IS STILL A TENDENCY TOWARD PUBLIC DEBATE OF OLD POSITIONS. ALSO THERE IS A MEASURE OF PESSIMISM WHICH WILL REQUIRE ENLIGHTENED LEADERSHIP TO OVERCOME.

CONFIDENTIAL

CONFIDENTIAL

PAGE 04 STATE 214458

GIVEN THE IMPORTANCE OF THESE NEGOTIATIONS AND THE NEED TO REACH AGREEMENT ON THE MAJOR UNRESOLVED PROBLEMS, I WILL BE RETURNING TO NEW YORK ON SEPTEMBER 1. AT THAT TIME I PLAN TO MEET WITH KEY LEADERS AT THE CONFERENCE AND MAY PERSONALLY PUT FORTH SOME SPECIFIC IDEAS IN ORDER TO ACHIEVE SIGNIFICANT PROGRESS ON AN OVERALL PACKAGE. I HOPE OUR COUNTRIES CAN COOPERATE CLOSELY IN THE NEXT FEW WEEKS AND WOULD GREATLY APPRECIATE YOUR INSTRUCTING YOUR DELEGATION TO HELP IN ADVANCING THE NEGOTIATIONS.

SINCERELY,

S/ HENRY A. KISSINGER END TEXT.

KISSINGER

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, DIPLOMATIC COMMUNICATIONS, NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 29 AUG 1976
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: KelleyW0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE214458
Document Source: CORE
Document Unique ID: 00
Drafter: WNEWLIN:HHB
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760366-1638
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t1976089/aaaaahct.tel
Line Count: 169
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN SS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: EXDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: EXDIS
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: KelleyW0
Review Comment: n/a
Review Content Flags:
Review Date: 21 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <21 APR 2004 by BoyleJA>; APPROVED <09 SEP 2004 by KelleyW0>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LOS: MESSAGE FROM THE SECRETARY TO FOREIGN MINISTER
TAGS: PLOS, FR
To: PARIS
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006